IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4341 OF 2006

Janajagruti Prabhodhan Manch
Chopadi Petitioner

versus

Kshetri Tamma Shankar & anr. Respondents

Mr.M.S.Patankar for petitioner.
Mrs.M.P.Thakur, AGP for respondent no.2.
Mr.A.M.Joshi for respondent no.1.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 29th January 2007

PC :

1. Rule. Heard forthwith.

2. The petitioner impugns an order dated 14th March 2006 passed by the Divisional Welfare Officer by which order he allowed the appeal preferred by respondent no.1. The petitioner is a trust running an Handicapped School for Deaf and Dumb children with residential facilities. The services of the employees are governed by virtue of provisions of Rule 6 of the Handicapped

Special Schools and Workshop Schools Code, 1997. Therefore, while terminating the services of an employee, all that the management will have to follow is the procedure under the MEPS Act and the Rules framed thereunder.

3. In the instant case, the petitioner herein had taken a plea that the appeal was barred by limitation. That point has not been answered. Though the appellate authority has recorded a finding that the petitioner failed to serve any notice for dissatisfactory work on the respondent, there is no finding recorded as to whether the termination was effected without following the provisions of MEPS Act or the Rules framed thereunder. In the light of that, following order.

4. The impugned order is set aside. The matter is remanded back to the appellate authority for deciding the matter afresh after hearing the petitioner and respondent no.1. The appeal to be disposed off within a period of three months from the date of the copy of this order is made available to the appellate authority. Rule is made absolute in the above terms. There shall be no order as to costs. Considering the plea of

limitation, it will be open to respondent no.1, if it is permissible in law, to apply for condonation of delay in preferring the appeal and the learned appellate authority to consider the same.

(R.V.MORE, J.) (F.I.REBELLO, J.)